



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2885

Introduced 2/16/2023, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

| | |
|---------------------|--------------------------|
| 705 ILCS 405/1-2 | from Ch. 37, par. 801-2 |
| 705 ILCS 405/1-3 | from Ch. 37, par. 801-3 |
| 705 ILCS 405/2-10 | from Ch. 37, par. 802-10 |
| 705 ILCS 405/2-13 | from Ch. 37, par. 802-13 |
| 705 ILCS 405/2-13.1 | |
| 705 ILCS 405/2-21 | from Ch. 37, par. 802-21 |
| 705 ILCS 405/2-28 | from Ch. 37, par. 802-28 |
| 705 ILCS 405/2-31 | from Ch. 37, par. 802-31 |
| 750 ILCS 50/1 | from Ch. 40, par. 1501 |

Amends the Juvenile Court Act of 1987. Changes all references in the General Provisions Article and the Abused, Neglected or Dependent Minors Article of the Act from "reasonable efforts" to "active efforts". Defines "active efforts" as efforts that are affirmative, active, thorough, timely and intended to maintain or reunite a child with the child's family and represent a higher standard of conduct than reasonable efforts. Amends the Adoption Act. Provides that a person shall not be considered an unfit person for the sole reason that the Department of Children and Family Services or its assign has been found to have not made active efforts as defined in the Juvenile Court Act of 1987 during any period during the pendency of the case at hand.

LRB103 26122 RLC 52478 b

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-2, 1-3, 2-10, 2-13, 2-13.1, 2-21, 2-28,
6 and 2-31 as follows:

7 (705 ILCS 405/1-2) (from Ch. 37, par. 801-2)

8 Sec. 1-2. Purpose and policy.

9 (1) The purpose of this Act is to secure for each minor
10 subject hereto such care and guidance, preferably in his or
11 her own home, as will serve the safety and moral, emotional,
12 mental, and physical welfare of the minor and the best
13 interests of the community; to preserve and strengthen the
14 minor's family ties whenever possible, removing him or her
15 from the custody of his or her parents only when his or her
16 safety or welfare or the protection of the public cannot be
17 adequately safeguarded without removal; if the child is
18 removed from the custody of his or her parent, the Department
19 of Children and Family Services immediately shall consider
20 concurrent planning, as described in Section 5 of the Children
21 and Family Services Act so that permanency may occur at the
22 earliest opportunity; consideration should be given so that if
23 reunification fails or is delayed, the placement made is the

1 best available placement to provide permanency for the child;
2 and, when the minor is removed from his or her own family, to
3 secure for him or her custody, care and discipline as nearly as
4 possible equivalent to that which should be given by his or her
5 parents, and in cases where it should and can properly be done
6 to place the minor in a family home so that he or she may
7 become a member of the family by legal adoption or otherwise.
8 Provided that a ground for unfitness under the Adoption Act
9 can be met, it may be appropriate to expedite termination of
10 parental rights:

11 (a) when active ~~reasonable~~ efforts are inappropriate,
12 or have been provided and were unsuccessful, and there are
13 aggravating circumstances including, but not limited to,
14 those cases in which (i) the child or another child of that
15 child's parent was (A) abandoned, (B) tortured, or (C)
16 chronically abused or (ii) the parent is criminally
17 convicted of (A) first degree murder or second degree
18 murder of any child, (B) attempt or conspiracy to commit
19 first degree murder or second degree murder of any child,
20 (C) solicitation to commit murder, solicitation to commit
21 murder for hire, solicitation to commit second degree
22 murder of any child, or aggravated assault in violation of
23 subdivision (a)(13) of Section 12-2 of the Criminal Code
24 of 1961 or the Criminal Code of 2012, or (D) aggravated
25 criminal sexual assault in violation of Section
26 11-1.40(a)(1) or 12-14.1(a)(1) of the Criminal Code of

1 1961 or the Criminal Code of 2012; or

2 (b) when the parental rights of a parent with respect
3 to another child of the parent have been involuntarily
4 terminated; or

5 (c) in those extreme cases in which the parent's
6 incapacity to care for the child, combined with an
7 extremely poor prognosis for treatment or rehabilitation,
8 justifies expedited termination of parental rights.

9 (2) In all proceedings under this Act the court may direct
10 the course thereof so as promptly to ascertain the
11 jurisdictional facts and fully to gather information bearing
12 upon the current condition and future welfare of persons
13 subject to this Act. This Act shall be administered in a spirit
14 of humane concern, not only for the rights of the parties, but
15 also for the fears and the limits of understanding of all who
16 appear before the court.

17 (3) In all procedures under this Act, the following shall
18 apply:

19 (a) The procedural rights assured to the minor shall
20 be the rights of adults unless specifically precluded by
21 laws which enhance the protection of such minors.

22 (b) Every child has a right to services necessary to
23 his or her safety and proper development, including
24 health, education and social services.

25 (c) The parents' right to the custody of their child
26 shall not prevail when the court determines that it is

1 contrary to the health, safety, and best interests of the
2 child.

3 (4) This Act shall be liberally construed to carry out the
4 foregoing purpose and policy.

5 (Source: P.A. 97-1150, eff. 1-25-13.)

6 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

7 Sec. 1-3. Definitions. Terms used in this Act, unless the
8 context otherwise requires, have the following meanings
9 ascribed to them:

10 (.05) "Active efforts" means efforts that are affirmative,
11 active, thorough, timely and intended to maintain or reunite a
12 child with the child's family and represent a higher standard
13 of conduct than reasonable efforts.

14 (1) "Adjudicatory hearing" means a hearing to determine
15 whether the allegations of a petition under Section 2-13, 3-15
16 or 4-12 that a minor under 18 years of age is abused, neglected
17 or dependent, or requires authoritative intervention, or
18 addicted, respectively, are supported by a preponderance of
19 the evidence or whether the allegations of a petition under
20 Section 5-520 that a minor is delinquent are proved beyond a
21 reasonable doubt.

22 (2) "Adult" means a person 21 years of age or older.

23 (3) "Agency" means a public or private child care facility
24 legally authorized or licensed by this State for placement or
25 institutional care or for both placement and institutional

1 care.

2 (4) "Association" means any organization, public or
3 private, engaged in welfare functions which include services
4 to or on behalf of children but does not include "agency" as
5 herein defined.

6 (4.05) Whenever a "best interest" determination is
7 required, the following factors shall be considered in the
8 context of the child's age and developmental needs:

9 (a) the physical safety and welfare of the child,
10 including food, shelter, health, and clothing;

11 (b) the development of the child's identity;

12 (c) the child's background and ties, including
13 familial, cultural, and religious;

14 (d) the child's sense of attachments, including:

15 (i) where the child actually feels love,
16 attachment, and a sense of being valued (as opposed to
17 where adults believe the child should feel such love,
18 attachment, and a sense of being valued);

19 (ii) the child's sense of security;

20 (iii) the child's sense of familiarity;

21 (iv) continuity of affection for the child;

22 (v) the least disruptive placement alternative for
23 the child;

24 (e) the child's wishes and long-term goals;

25 (f) the child's community ties, including church,
26 school, and friends;

1 (g) the child's need for permanency which includes the
2 child's need for stability and continuity of relationships
3 with parent figures and with siblings and other relatives;

4 (h) the uniqueness of every family and child;

5 (i) the risks attendant to entering and being in
6 substitute care; and

7 (j) the preferences of the persons available to care
8 for the child.

9 (4.1) "Chronic truant" shall have the definition ascribed
10 to it in Section 26-2a of the School Code.

11 (5) "Court" means the circuit court in a session or
12 division assigned to hear proceedings under this Act.

13 (6) "Dispositional hearing" means a hearing to determine
14 whether a minor should be adjudged to be a ward of the court,
15 and to determine what order of disposition should be made in
16 respect to a minor adjudged to be a ward of the court.

17 (6.5) "Dissemination" or "disseminate" means to publish,
18 produce, print, manufacture, distribute, sell, lease, exhibit,
19 broadcast, display, transmit, or otherwise share information
20 in any format so as to make the information accessible to
21 others.

22 (7) "Emancipated minor" means any minor 16 years of age or
23 over who has been completely or partially emancipated under
24 the Emancipation of Minors Act or under this Act.

25 (7.03) "Expunge" means to physically destroy the records
26 and to obliterate the minor's name from any official index,

1 public record, or electronic database.

2 (7.05) "Foster parent" includes a relative caregiver
3 selected by the Department of Children and Family Services to
4 provide care for the minor.

5 (8) "Guardianship of the person" of a minor means the duty
6 and authority to act in the best interests of the minor,
7 subject to residual parental rights and responsibilities, to
8 make important decisions in matters having a permanent effect
9 on the life and development of the minor and to be concerned
10 with his or her general welfare. It includes but is not
11 necessarily limited to:

12 (a) the authority to consent to marriage, to
13 enlistment in the armed forces of the United States, or to
14 a major medical, psychiatric, and surgical treatment; to
15 represent the minor in legal actions; and to make other
16 decisions of substantial legal significance concerning the
17 minor;

18 (b) the authority and duty of reasonable visitation,
19 except to the extent that these have been limited in the
20 best interests of the minor by court order;

21 (c) the rights and responsibilities of legal custody
22 except where legal custody has been vested in another
23 person or agency; and

24 (d) the power to consent to the adoption of the minor,
25 but only if expressly conferred on the guardian in
26 accordance with Section 2-29, 3-30, or 4-27.

1 (8.1) "Juvenile court record" includes, but is not limited
2 to:

3 (a) all documents filed in or maintained by the
4 juvenile court pertaining to a specific incident,
5 proceeding, or individual;

6 (b) all documents relating to a specific incident,
7 proceeding, or individual made available to or maintained
8 by probation officers;

9 (c) all documents, video or audio tapes, photographs,
10 and exhibits admitted into evidence at juvenile court
11 hearings; or

12 (d) all documents, transcripts, records, reports, or
13 other evidence prepared by, maintained by, or released by
14 any municipal, county, or State agency or department, in
15 any format, if indicating involvement with the juvenile
16 court relating to a specific incident, proceeding, or
17 individual.

18 (8.2) "Juvenile law enforcement record" includes records
19 of arrest, station adjustments, fingerprints, probation
20 adjustments, the issuance of a notice to appear, or any other
21 records or documents maintained by any law enforcement agency
22 relating to a minor suspected of committing an offense, and
23 records maintained by a law enforcement agency that identifies
24 a juvenile as a suspect in committing an offense, but does not
25 include records identifying a juvenile as a victim, witness,
26 or missing juvenile and any records created, maintained, or

1 used for purposes of referral to programs relating to
2 diversion as defined in subsection (6) of Section 5-105.

3 (9) "Legal custody" means the relationship created by an
4 order of court in the best interests of the minor which imposes
5 on the custodian the responsibility of physical possession of
6 a minor and the duty to protect, train and discipline him and
7 to provide him with food, shelter, education and ordinary
8 medical care, except as these are limited by residual parental
9 rights and responsibilities and the rights and
10 responsibilities of the guardian of the person, if any.

11 (9.1) "Mentally capable adult relative" means a person 21
12 years of age or older who is not suffering from a mental
13 illness that prevents him or her from providing the care
14 necessary to safeguard the physical safety and welfare of a
15 minor who is left in that person's care by the parent or
16 parents or other person responsible for the minor's welfare.

17 (10) "Minor" means a person under the age of 21 years
18 subject to this Act.

19 (11) "Parent" means a father or mother of a child and
20 includes any adoptive parent. It also includes a person (i)
21 whose parentage is presumed or has been established under the
22 law of this or another jurisdiction or (ii) who has registered
23 with the Putative Father Registry in accordance with Section
24 12.1 of the Adoption Act and whose paternity has not been ruled
25 out under the law of this or another jurisdiction. It does not
26 include a parent whose rights in respect to the minor have been

1 terminated in any manner provided by law. It does not include a
2 person who has been or could be determined to be a parent under
3 the Illinois Parentage Act of 1984 or the Illinois Parentage
4 Act of 2015, or similar parentage law in any other state, if
5 that person has been convicted of or pled nolo contendere to a
6 crime that resulted in the conception of the child under
7 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
8 12-14.1, subsection (a) or (b) (but not subsection (c)) of
9 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
10 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
11 Criminal Code of 1961 or the Criminal Code of 2012, or similar
12 statute in another jurisdiction unless upon motion of any
13 party, other than the offender, to the juvenile court
14 proceedings the court finds it is in the child's best interest
15 to deem the offender a parent for purposes of the juvenile
16 court proceedings.

17 (11.1) "Permanency goal" means a goal set by the court as
18 defined in subdivision (2) of Section 2-28.

19 (11.2) "Permanency hearing" means a hearing to set the
20 permanency goal and to review and determine (i) the
21 appropriateness of the services contained in the plan and
22 whether those services have been provided, (ii) whether active
23 ~~reasonable~~ efforts have been made by all the parties to the
24 service plan to achieve the goal, and (iii) whether the plan
25 and goal have been achieved.

26 (12) "Petition" means the petition provided for in Section

1 2-13, 3-15, 4-12 or 5-520, including any supplemental
2 petitions thereunder in Section 3-15, 4-12 or 5-520.

3 (12.1) "Physically capable adult relative" means a person
4 21 years of age or older who does not have a severe physical
5 disability or medical condition, or is not suffering from
6 alcoholism or drug addiction, that prevents him or her from
7 providing the care necessary to safeguard the physical safety
8 and welfare of a minor who is left in that person's care by the
9 parent or parents or other person responsible for the minor's
10 welfare.

11 (12.2) "Post Permanency Sibling Contact Agreement" has the
12 meaning ascribed to the term in Section 7.4 of the Children and
13 Family Services Act.

14 (12.3) "Residential treatment center" means a licensed
15 setting that provides 24-hour care to children in a group home
16 or institution, including a facility licensed as a child care
17 institution under Section 2.06 of the Child Care Act of 1969, a
18 licensed group home under Section 2.16 of the Child Care Act of
19 1969, a secure child care facility as defined in paragraph
20 (18) of this Section, or any similar facility in another
21 state. "Residential treatment center" does not include a
22 relative foster home or a licensed foster family home.

23 (13) "Residual parental rights and responsibilities" means
24 those rights and responsibilities remaining with the parent
25 after the transfer of legal custody or guardianship of the
26 person, including, but not necessarily limited to, the right

1 to reasonable visitation (which may be limited by the court in
2 the best interests of the minor as provided in subsection
3 (8)(b) of this Section), the right to consent to adoption, the
4 right to determine the minor's religious affiliation, and the
5 responsibility for his support.

6 (14) "Shelter" means the temporary care of a minor in
7 physically unrestricting facilities pending court disposition
8 or execution of court order for placement.

9 (14.05) "Shelter placement" means a temporary or emergency
10 placement for a minor, including an emergency foster home
11 placement.

12 (14.1) "Sibling Contact Support Plan" has the meaning
13 ascribed to the term in Section 7.4 of the Children and Family
14 Services Act.

15 (14.2) "Significant event report" means a written document
16 describing an occurrence or event beyond the customary
17 operations, routines, or relationships in the Department of
18 Children of Family Services, a child care facility, or other
19 entity that is licensed or regulated by the Department of
20 Children of Family Services or that provides services for the
21 Department of Children of Family Services under a grant,
22 contract, or purchase of service agreement; involving children
23 or youth, employees, foster parents, or relative caregivers;
24 allegations of abuse or neglect or any other incident raising
25 a concern about the well-being of a minor under the
26 jurisdiction of the court under Article II of the Juvenile

1 Court Act; incidents involving damage to property, allegations
2 of criminal activity, misconduct, or other occurrences
3 affecting the operations of the Department of Children of
4 Family Services or a child care facility; any incident that
5 could have media impact; and unusual incidents as defined by
6 Department of Children and Family Services rule.

7 (15) "Station adjustment" means the informal handling of
8 an alleged offender by a juvenile police officer.

9 (16) "Ward of the court" means a minor who is so adjudged
10 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
11 requisite jurisdictional facts, and thus is subject to the
12 dispositional powers of the court under this Act.

13 (17) "Juvenile police officer" means a sworn police
14 officer who has completed a Basic Recruit Training Course, has
15 been assigned to the position of juvenile police officer by
16 his or her chief law enforcement officer and has completed the
17 necessary juvenile officers training as prescribed by the
18 Illinois Law Enforcement Training Standards Board, or in the
19 case of a State police officer, juvenile officer training
20 approved by the Director of the Illinois State Police.

21 (18) "Secure child care facility" means any child care
22 facility licensed by the Department of Children and Family
23 Services to provide secure living arrangements for children
24 under 18 years of age who are subject to placement in
25 facilities under the Children and Family Services Act and who
26 are not subject to placement in facilities for whom standards

1 are established by the Department of Corrections under Section
2 3-15-2 of the Unified Code of Corrections. "Secure child care
3 facility" also means a facility that is designed and operated
4 to ensure that all entrances and exits from the facility, a
5 building, or a distinct part of the building are under the
6 exclusive control of the staff of the facility, whether or not
7 the child has the freedom of movement within the perimeter of
8 the facility, building, or distinct part of the building.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

11 Sec. 2-10. Temporary custody hearing. At the appearance of
12 the minor before the court at the temporary custody hearing,
13 all witnesses present shall be examined before the court in
14 relation to any matter connected with the allegations made in
15 the petition.

16 (1) If the court finds that there is not probable cause to
17 believe that the minor is abused, neglected or dependent it
18 shall release the minor and dismiss the petition.

19 (2) If the court finds that there is probable cause to
20 believe that the minor is abused, neglected or dependent, the
21 court shall state in writing the factual basis supporting its
22 finding and the minor, his or her parent, guardian, custodian
23 and other persons able to give relevant testimony shall be
24 examined before the court. The Department of Children and
25 Family Services shall give testimony concerning indicated

1 reports of abuse and neglect, of which they are aware through
2 the central registry, involving the minor's parent, guardian
3 or custodian. After such testimony, the court may, consistent
4 with the health, safety and best interests of the minor, enter
5 an order that the minor shall be released upon the request of
6 parent, guardian or custodian if the parent, guardian or
7 custodian appears to take custody. If it is determined that a
8 parent's, guardian's, or custodian's compliance with critical
9 services mitigates the necessity for removal of the minor from
10 his or her home, the court may enter an Order of Protection
11 setting forth reasonable conditions of behavior that a parent,
12 guardian, or custodian must observe for a specified period of
13 time, not to exceed 12 months, without a violation; provided,
14 however, that the 12-month period shall begin anew after any
15 violation. "Custodian" includes the Department of Children and
16 Family Services, if it has been given custody of the child, or
17 any other agency of the State which has been given custody or
18 wardship of the child. If it is consistent with the health,
19 safety and best interests of the minor, the court may also
20 prescribe shelter care and order that the minor be kept in a
21 suitable place designated by the court or in a shelter care
22 facility designated by the Department of Children and Family
23 Services or a licensed child welfare agency; however, on and
24 after January 1, 2015 (the effective date of Public Act
25 98-803) and before January 1, 2017, a minor charged with a
26 criminal offense under the Criminal Code of 1961 or the

1 Criminal Code of 2012 or adjudicated delinquent shall not be
2 placed in the custody of or committed to the Department of
3 Children and Family Services by any court, except a minor less
4 than 16 years of age and committed to the Department of
5 Children and Family Services under Section 5-710 of this Act
6 or a minor for whom an independent basis of abuse, neglect, or
7 dependency exists; and on and after January 1, 2017, a minor
8 charged with a criminal offense under the Criminal Code of
9 1961 or the Criminal Code of 2012 or adjudicated delinquent
10 shall not be placed in the custody of or committed to the
11 Department of Children and Family Services by any court,
12 except a minor less than 15 years of age and committed to the
13 Department of Children and Family Services under Section 5-710
14 of this Act or a minor for whom an independent basis of abuse,
15 neglect, or dependency exists. An independent basis exists
16 when the allegations or adjudication of abuse, neglect, or
17 dependency do not arise from the same facts, incident, or
18 circumstances which give rise to a charge or adjudication of
19 delinquency.

20 In placing the minor, the Department or other agency
21 shall, to the extent compatible with the court's order, comply
22 with Section 7 of the Children and Family Services Act. In
23 determining the health, safety and best interests of the minor
24 to prescribe shelter care, the court must find that it is a
25 matter of immediate and urgent necessity for the safety and
26 protection of the minor or of the person or property of another

1 that the minor be placed in a shelter care facility or that he
2 or she is likely to flee the jurisdiction of the court, and
3 must further find that active ~~reasonable~~ efforts have been
4 made or that, consistent with the health, safety and best
5 interests of the minor, no efforts reasonably can be made to
6 prevent or eliminate the necessity of removal of the minor
7 from his or her home. The court shall require documentation
8 from the Department of Children and Family Services as to the
9 active ~~reasonable~~ efforts that were made to prevent or
10 eliminate the necessity of removal of the minor from his or her
11 home or the reasons why no efforts reasonably could be made to
12 prevent or eliminate the necessity of removal. When a minor is
13 placed in the home of a relative, the Department of Children
14 and Family Services shall complete a preliminary background
15 review of the members of the minor's custodian's household in
16 accordance with Section 4.3 of the Child Care Act of 1969
17 within 90 days of that placement. If the minor is ordered
18 placed in a shelter care facility of the Department of
19 Children and Family Services or a licensed child welfare
20 agency, the court shall, upon request of the appropriate
21 Department or other agency, appoint the Department of Children
22 and Family Services Guardianship Administrator or other
23 appropriate agency executive temporary custodian of the minor
24 and the court may enter such other orders related to the
25 temporary custody as it deems fit and proper, including the
26 provision of services to the minor or his family to ameliorate

1 the causes contributing to the finding of probable cause or to
2 the finding of the existence of immediate and urgent
3 necessity.

4 Where the Department of Children and Family Services
5 Guardianship Administrator is appointed as the executive
6 temporary custodian, the Department of Children and Family
7 Services shall file with the court and serve on the parties a
8 parent-child visiting plan, within 10 days, excluding weekends
9 and holidays, after the appointment. The parent-child visiting
10 plan shall set out the time and place of visits, the frequency
11 of visits, the length of visits, who shall be present at the
12 visits, and where appropriate, the minor's opportunities to
13 have telephone and mail communication with the parents.

14 Where the Department of Children and Family Services
15 Guardianship Administrator is appointed as the executive
16 temporary custodian, and when the child has siblings in care,
17 the Department of Children and Family Services shall file with
18 the court and serve on the parties a sibling placement and
19 contact plan within 10 days, excluding weekends and holidays,
20 after the appointment. The sibling placement and contact plan
21 shall set forth whether the siblings are placed together, and
22 if they are not placed together, what, if any, efforts are
23 being made to place them together. If the Department has
24 determined that it is not in a child's best interest to be
25 placed with a sibling, the Department shall document in the
26 sibling placement and contact plan the basis for its

1 determination. For siblings placed separately, the sibling
2 placement and contact plan shall set the time and place for
3 visits, the frequency of the visits, the length of visits, who
4 shall be present for the visits, and where appropriate, the
5 child's opportunities to have contact with their siblings in
6 addition to in person contact. If the Department determines it
7 is not in the best interest of a sibling to have contact with a
8 sibling, the Department shall document in the sibling
9 placement and contact plan the basis for its determination.
10 The sibling placement and contact plan shall specify a date
11 for development of the Sibling Contact Support Plan, under
12 subsection (f) of Section 7.4 of the Children and Family
13 Services Act, and shall remain in effect until the Sibling
14 Contact Support Plan is developed.

15 For good cause, the court may waive the requirement to
16 file the parent-child visiting plan or the sibling placement
17 and contact plan, or extend the time for filing either plan.
18 Any party may, by motion, request the court to review the
19 parent-child visiting plan to determine whether it is
20 reasonably calculated to expeditiously facilitate the
21 achievement of the permanency goal. A party may, by motion,
22 request the court to review the parent-child visiting plan or
23 the sibling placement and contact plan to determine whether it
24 is consistent with the minor's best interest. The court may
25 refer the parties to mediation where available. The frequency,
26 duration, and locations of visitation shall be measured by the

1 needs of the child and family, and not by the convenience of
2 Department personnel. Child development principles shall be
3 considered by the court in its analysis of how frequent
4 visitation should be, how long it should last, where it should
5 take place, and who should be present. If upon motion of the
6 party to review either plan and after receiving evidence, the
7 court determines that the parent-child visiting plan is not
8 reasonably calculated to expeditiously facilitate the
9 achievement of the permanency goal or that the restrictions
10 placed on parent-child contact or sibling placement or contact
11 are contrary to the child's best interests, the court shall
12 put in writing the factual basis supporting the determination
13 and enter specific findings based on the evidence. The court
14 shall enter an order for the Department to implement changes
15 to the parent-child visiting plan or sibling placement or
16 contact plan, consistent with the court's findings. At any
17 stage of proceeding, any party may by motion request the court
18 to enter any orders necessary to implement the parent-child
19 visiting plan, sibling placement or contact plan or
20 subsequently developed Sibling Contact Support Plan. Nothing
21 under this subsection (2) shall restrict the court from
22 granting discretionary authority to the Department to increase
23 opportunities for additional parent-child contacts or sibling
24 contacts, without further court orders. Nothing in this
25 subsection (2) shall restrict the Department from immediately
26 restricting or terminating parent-child contact or sibling

1 contacts, without either amending the parent-child visiting
2 plan or the sibling contact plan or obtaining a court order,
3 where the Department or its assigns reasonably believe there
4 is an immediate need to protect the child's health, safety,
5 and welfare. Such restrictions or terminations must be based
6 on available facts to the Department and its assigns when
7 viewed in light of the surrounding circumstances and shall
8 only occur on an individual case-by-case basis. The Department
9 shall file with the court and serve on the parties any
10 amendments to the plan within 10 days, excluding weekends and
11 holidays, of the change of the visitation.

12 Acceptance of services shall not be considered an
13 admission of any allegation in a petition made pursuant to
14 this Act, nor may a referral of services be considered as
15 evidence in any proceeding pursuant to this Act, except where
16 the issue is whether the Department has made active ~~reasonable~~
17 efforts to reunite the family. In making its findings that it
18 is consistent with the health, safety and best interests of
19 the minor to prescribe shelter care, the court shall state in
20 writing (i) the factual basis supporting its findings
21 concerning the immediate and urgent necessity for the
22 protection of the minor or of the person or property of another
23 and (ii) the factual basis supporting its findings that active
24 ~~reasonable~~ efforts were made to prevent or eliminate the
25 removal of the minor from his or her home or that no efforts
26 reasonably could be made to prevent or eliminate the removal

1 of the minor from his or her home. The parents, guardian,
2 custodian, temporary custodian and minor shall each be
3 furnished a copy of such written findings. The temporary
4 custodian shall maintain a copy of the court order and written
5 findings in the case record for the child. The order together
6 with the court's findings of fact in support thereof shall be
7 entered of record in the court.

8 Once the court finds that it is a matter of immediate and
9 urgent necessity for the protection of the minor that the
10 minor be placed in a shelter care facility, the minor shall not
11 be returned to the parent, custodian or guardian until the
12 court finds that such placement is no longer necessary for the
13 protection of the minor.

14 If the child is placed in the temporary custody of the
15 Department of Children and Family Services for his or her
16 protection, the court shall admonish the parents, guardian,
17 custodian or responsible relative that the parents must
18 cooperate with the Department of Children and Family Services,
19 comply with the terms of the service plans, and correct the
20 conditions which require the child to be in care, or risk
21 termination of their parental rights. The court shall ensure,
22 by inquiring in open court of each parent, guardian, custodian
23 or responsible relative, that the parent, guardian, custodian
24 or responsible relative has had the opportunity to provide the
25 Department with all known names, addresses, and telephone
26 numbers of each of the minor's living maternal and paternal

1 adult relatives, including, but not limited to, grandparents,
2 aunts, uncles, and siblings. The court shall advise the
3 parents, guardian, custodian or responsible relative to inform
4 the Department if additional information regarding the minor's
5 adult relatives becomes available.

6 (3) If prior to the shelter care hearing for a minor
7 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is
8 unable to serve notice on the party respondent, the shelter
9 care hearing may proceed ex parte. A shelter care order from an
10 ex parte hearing shall be endorsed with the date and hour of
11 issuance and shall be filed with the clerk's office and
12 entered of record. The order shall expire after 10 days from
13 the time it is issued unless before its expiration it is
14 renewed, at a hearing upon appearance of the party respondent,
15 or upon an affidavit of the moving party as to all diligent
16 efforts to notify the party respondent by notice as herein
17 prescribed. The notice prescribed shall be in writing and
18 shall be personally delivered to the minor or the minor's
19 attorney and to the last known address of the other person or
20 persons entitled to notice. The notice shall also state the
21 nature of the allegations, the nature of the order sought by
22 the State, including whether temporary custody is sought, and
23 the consequences of failure to appear and shall contain a
24 notice that the parties will not be entitled to further
25 written notices or publication notices of proceedings in this
26 case, including the filing of an amended petition or a motion

1 to terminate parental rights, except as required by Supreme
 2 Court Rule 11; and shall explain the right of the parties and
 3 the procedures to vacate or modify a shelter care order as
 4 provided in this Section. The notice for a shelter care
 5 hearing shall be substantially as follows:

6 NOTICE TO PARENTS AND CHILDREN
 7 OF SHELTER CARE HEARING

8 On at, before the Honorable
 9, (address:), the State
 10 of Illinois will present evidence (1) that (name of child
 11 or children) are abused, neglected
 12 or dependent for the following reasons:

13 and (2)
 14 whether there is "immediate and urgent necessity" to
 15 remove the child or children from the responsible
 16 relative.

17 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
 18 PLACEMENT of the child or children in foster care until a
 19 trial can be held. A trial may not be held for up to 90
 20 days. You will not be entitled to further notices of
 21 proceedings in this case, including the filing of an
 22 amended petition or a motion to terminate parental rights.

23 At the shelter care hearing, parents have the
 24 following rights:

- 25 1. To ask the court to appoint a lawyer if they
 26 cannot afford one.

1 2. To ask the court to continue the hearing to
2 allow them time to prepare.

3 3. To present evidence concerning:

4 a. Whether or not the child or children were
5 abused, neglected or dependent.

6 b. Whether or not there is "immediate and
7 urgent necessity" to remove the child from home
8 (including: their ability to care for the child,
9 conditions in the home, alternative means of
10 protecting the child other than removal).

11 c. The best interests of the child.

12 4. To cross examine the State's witnesses.

13 The Notice for rehearings shall be substantially as
14 follows:

15 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS
16 TO REHEARING ON TEMPORARY CUSTODY

17 If you were not present at and did not have adequate
18 notice of the Shelter Care Hearing at which temporary
19 custody of was awarded to
20, you have the right to request a full
21 rehearing on whether the State should have temporary
22 custody of To request this rehearing,
23 you must file with the Clerk of the Juvenile Court
24 (address):, in person or by
25 mailing a statement (affidavit) setting forth the

1 following:

2 1. That you were not present at the shelter care
3 hearing.

4 2. That you did not get adequate notice
5 (explaining how the notice was inadequate).

6 3. Your signature.

7 4. Signature must be notarized.

8 The rehearing should be scheduled within 48 hours of
9 your filing this affidavit.

10 At the rehearing, your rights are the same as at the
11 initial shelter care hearing. The enclosed notice explains
12 those rights.

13 At the Shelter Care Hearing, children have the
14 following rights:

15 1. To have a guardian ad litem appointed.

16 2. To be declared competent as a witness and to
17 present testimony concerning:

18 a. Whether they are abused, neglected or
19 dependent.

20 b. Whether there is "immediate and urgent
21 necessity" to be removed from home.

22 c. Their best interests.

23 3. To cross examine witnesses for other parties.

24 4. To obtain an explanation of any proceedings and
25 orders of the court.

26 (4) If the parent, guardian, legal custodian, responsible

1 relative, minor age 8 or over, or counsel of the minor did not
2 have actual notice of or was not present at the shelter care
3 hearing, he or she may file an affidavit setting forth these
4 facts, and the clerk shall set the matter for rehearing not
5 later than 48 hours, excluding Sundays and legal holidays,
6 after the filing of the affidavit. At the rehearing, the court
7 shall proceed in the same manner as upon the original hearing.

8 (5) Only when there is reasonable cause to believe that
9 the minor taken into custody is a person described in
10 subsection (3) of Section 5-105 may the minor be kept or
11 detained in a detention home or county or municipal jail. This
12 Section shall in no way be construed to limit subsection (6).

13 (6) No minor under 16 years of age may be confined in a
14 jail or place ordinarily used for the confinement of prisoners
15 in a police station. Minors under 18 years of age must be kept
16 separate from confined adults and may not at any time be kept
17 in the same cell, room, or yard with adults confined pursuant
18 to the criminal law.

19 (7) If the minor is not brought before a judicial officer
20 within the time period as specified in Section 2-9, the minor
21 must immediately be released from custody.

22 (8) If neither the parent, guardian or custodian appears
23 within 24 hours to take custody of a minor released upon
24 request pursuant to subsection (2) of this Section, then the
25 clerk of the court shall set the matter for rehearing not later
26 than 7 days after the original order and shall issue a summons

1 directed to the parent, guardian or custodian to appear. At
2 the same time the probation department shall prepare a report
3 on the minor. If a parent, guardian or custodian does not
4 appear at such rehearing, the judge may enter an order
5 prescribing that the minor be kept in a suitable place
6 designated by the Department of Children and Family Services
7 or a licensed child welfare agency.

8 (9) Notwithstanding any other provision of this Section
9 any interested party, including the State, the temporary
10 custodian, an agency providing services to the minor or family
11 under a service plan pursuant to Section 8.2 of the Abused and
12 Neglected Child Reporting Act, foster parent, or any of their
13 representatives, on notice to all parties entitled to notice,
14 may file a motion that it is in the best interests of the minor
15 to modify or vacate a temporary custody order on any of the
16 following grounds:

17 (a) It is no longer a matter of immediate and urgent
18 necessity that the minor remain in shelter care; or

19 (b) There is a material change in the circumstances of
20 the natural family from which the minor was removed and
21 the child can be cared for at home without endangering the
22 child's health or safety; or

23 (c) A person not a party to the alleged abuse, neglect
24 or dependency, including a parent, relative or legal
25 guardian, is capable of assuming temporary custody of the
26 minor; or

1 (d) Services provided by the Department of Children
2 and Family Services or a child welfare agency or other
3 service provider have been successful in eliminating the
4 need for temporary custody and the child can be cared for
5 at home without endangering the child's health or safety.

6 In ruling on the motion, the court shall determine whether
7 it is consistent with the health, safety and best interests of
8 the minor to modify or vacate a temporary custody order. If the
9 minor is being restored to the custody of a parent, legal
10 custodian, or guardian who lives outside of Illinois, and an
11 Interstate Compact has been requested and refused, the court
12 may order the Department of Children and Family Services to
13 arrange for an assessment of the minor's proposed living
14 arrangement and for ongoing monitoring of the health, safety,
15 and best interest of the minor and compliance with any order of
16 protective supervision entered in accordance with Section 2-20
17 or 2-25.

18 The clerk shall set the matter for hearing not later than
19 14 days after such motion is filed. In the event that the court
20 modifies or vacates a temporary custody order but does not
21 vacate its finding of probable cause, the court may order that
22 appropriate services be continued or initiated in behalf of
23 the minor and his or her family.

24 (10) When the court finds or has found that there is
25 probable cause to believe a minor is an abused minor as
26 described in subsection (2) of Section 2-3 and that there is an

1 immediate and urgent necessity for the abused minor to be
2 placed in shelter care, immediate and urgent necessity shall
3 be presumed for any other minor residing in the same household
4 as the abused minor provided:

5 (a) Such other minor is the subject of an abuse or
6 neglect petition pending before the court; and

7 (b) A party to the petition is seeking shelter care
8 for such other minor.

9 Once the presumption of immediate and urgent necessity has
10 been raised, the burden of demonstrating the lack of immediate
11 and urgent necessity shall be on any party that is opposing
12 shelter care for the other minor.

13 (11) The changes made to this Section by Public Act 98-61
14 apply to a minor who has been arrested or taken into custody on
15 or after January 1, 2014 (the effective date of Public Act
16 98-61).

17 (12) After the court has placed a minor in the care of a
18 temporary custodian pursuant to this Section, any party may
19 file a motion requesting the court to grant the temporary
20 custodian the authority to serve as a surrogate decision maker
21 for the minor under the Health Care Surrogate Act for purposes
22 of making decisions pursuant to paragraph (1) of subsection
23 (b) of Section 20 of the Health Care Surrogate Act. The court
24 may grant the motion if it determines by clear and convincing
25 evidence that it is in the best interests of the minor to grant
26 the temporary custodian such authority. In making its

1 determination, the court shall weigh the following factors in
2 addition to considering the best interests factors listed in
3 subsection (4.05) of Section 1-3 of this Act:

4 (a) the efforts to identify and locate the respondents
5 and adult family members of the minor and the results of
6 those efforts;

7 (b) the efforts to engage the respondents and adult
8 family members of the minor in decision making on behalf
9 of the minor;

10 (c) the length of time the efforts in paragraphs (a)
11 and (b) have been ongoing;

12 (d) the relationship between the respondents and adult
13 family members and the minor;

14 (e) medical testimony regarding the extent to which
15 the minor is suffering and the impact of a delay in
16 decision-making on the minor; and

17 (f) any other factor the court deems relevant.

18 If the Department of Children and Family Services is the
19 temporary custodian of the minor, in addition to the
20 requirements of paragraph (1) of subsection (b) of Section 20
21 of the Health Care Surrogate Act, the Department shall follow
22 its rules and procedures in exercising authority granted under
23 this subsection.

24 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;
25 102-813, eff. 5-13-22.)

1 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

2 Sec. 2-13. Petition.

3 (1) Any adult person, any agency or association by its
4 representative may file, or the court on its own motion,
5 consistent with the health, safety and best interests of the
6 minor may direct the filing through the State's Attorney of a
7 petition in respect of a minor under this Act. The petition and
8 all subsequent court documents shall be entitled "In the
9 interest of, a minor".

10 (2) The petition shall be verified but the statements may
11 be made upon information and belief. It shall allege that the
12 minor is abused, neglected, or dependent, with citations to
13 the appropriate provisions of this Act, and set forth (a)
14 facts sufficient to bring the minor under Section 2-3 or 2-4
15 and to inform respondents of the cause of action, including,
16 but not limited to, a plain and concise statement of the
17 factual allegations that form the basis for the filing of the
18 petition; (b) the name, age and residence of the minor; (c) the
19 names and residences of his parents; (d) the name and
20 residence of his legal guardian or the person or persons
21 having custody or control of the minor, or of the nearest known
22 relative if no parent or guardian can be found; and (e) if the
23 minor upon whose behalf the petition is brought is sheltered
24 in custody, the date on which such temporary custody was
25 ordered by the court or the date set for a temporary custody
26 hearing. If any of the facts herein required are not known by

1 the petitioner, the petition shall so state.

2 (3) The petition must allege that it is in the best
3 interests of the minor and of the public that he be adjudged a
4 ward of the court and may pray generally for relief available
5 under this Act. The petition need not specify any proposed
6 disposition following adjudication of wardship. The petition
7 may request that the minor remain in the custody of the parent,
8 guardian, or custodian under an Order of Protection.

9 (4) If termination of parental rights and appointment of a
10 guardian of the person with power to consent to adoption of the
11 minor under Section 2-29 is sought, the petition shall so
12 state. If the petition includes this request, the prayer for
13 relief shall clearly and obviously state that the parents
14 could permanently lose their rights as a parent at this
15 hearing.

16 In addition to the foregoing, the petitioner, by motion,
17 may request the termination of parental rights and appointment
18 of a guardian of the person with power to consent to adoption
19 of the minor under Section 2-29 at any time after the entry of
20 a dispositional order under Section 2-22.

21 (4.5) (a) Unless good cause exists that filing a petition
22 to terminate parental rights is contrary to the child's best
23 interests, with respect to any minors committed to its care
24 pursuant to this Act, the Department of Children and Family
25 Services shall request the State's Attorney to file a petition
26 or motion for termination of parental rights and appointment

1 of guardian of the person with power to consent to adoption of
2 the minor under Section 2-29 if:

3 (i) a minor has been in foster care, as described in
4 subsection (b), for 15 months of the most recent 22
5 months; or

6 (ii) a minor under the age of 2 years has been
7 previously determined to be abandoned at an adjudicatory
8 hearing; or

9 (iii) the parent is criminally convicted of:

10 (A) first degree murder or second degree murder of
11 any child;

12 (B) attempt or conspiracy to commit first degree
13 murder or second degree murder of any child;

14 (C) solicitation to commit murder of any child,
15 solicitation to commit murder for hire of any child,
16 or solicitation to commit second degree murder of any
17 child;

18 (D) aggravated battery, aggravated battery of a
19 child, or felony domestic battery, any of which has
20 resulted in serious injury to the minor or a sibling of
21 the minor;

22 (E) predatory criminal sexual assault of a child;

23 (E-5) aggravated criminal sexual assault;

24 (E-10) criminal sexual abuse in violation of
25 subsection (a) of Section 11-1.50 of the Criminal Code
26 of 1961 or the Criminal Code of 2012;

1 (E-15) sexual exploitation of a child;
2 (E-20) permitting sexual abuse of a child;
3 (E-25) criminal sexual assault; or
4 (F) an offense in any other state the elements of
5 which are similar and bear a substantial relationship
6 to any of the foregoing offenses.

7 (a-1) For purposes of this subsection (4.5), good cause
8 exists in the following circumstances:

9 (i) the child is being cared for by a relative,

10 (ii) the Department has documented in the case plan a
11 compelling reason for determining that filing such
12 petition would not be in the best interests of the child,

13 (iii) the court has found within the preceding 12
14 months that the Department has failed to make active
15 ~~reasonable~~ efforts to reunify the child and family, or

16 (iv) the parent is incarcerated, or the parent's prior
17 incarceration is a significant factor in why the child has
18 been in foster care for 15 months out of any 22-month
19 period, the parent maintains a meaningful role in the
20 child's life, and the Department has not documented
21 another reason why it would otherwise be appropriate to
22 file a petition to terminate parental rights pursuant to
23 this Section and the Adoption Act. The assessment of
24 whether an incarcerated parent maintains a meaningful role
25 in the child's life may include consideration of the
26 following:

1 (A) the child's best interest;

2 (B) the parent's expressions or acts of
3 manifesting concern for the child, such as letters,
4 telephone calls, visits, and other forms of
5 communication with the child and the impact of the
6 communication on the child;

7 (C) the parent's efforts to communicate with and
8 work with the Department for the purpose of complying
9 with the service plan and repairing, maintaining, or
10 building the parent-child relationship; or

11 (D) limitations in the parent's access to family
12 support programs, therapeutic services, visiting
13 opportunities, telephone and mail services, and
14 meaningful participation in court proceedings.

15 (b) For purposes of this subsection, the date of entering
16 foster care is defined as the earlier of:

17 (1) The date of a judicial finding at an adjudicatory
18 hearing that the child is an abused, neglected, or
19 dependent minor; or

20 (2) 60 days after the date on which the child is
21 removed from his or her parent, guardian, or legal
22 custodian.

23 (c) (Blank).

24 (d) (Blank).

25 (5) The court shall liberally allow the petitioner to
26 amend the petition to set forth a cause of action or to add,

1 amend, or supplement factual allegations that form the basis
2 for a cause of action up until 14 days before the adjudicatory
3 hearing. The petitioner may amend the petition after that date
4 and prior to the adjudicatory hearing if the court grants
5 leave to amend upon a showing of good cause. The court may
6 allow amendment of the petition to conform with the evidence
7 at any time prior to ruling. In all cases in which the court
8 has granted leave to amend based on new evidence or new
9 allegations, the court shall permit the respondent an adequate
10 opportunity to prepare a defense to the amended petition.

11 (6) At any time before dismissal of the petition or before
12 final closing and discharge under Section 2-31, one or more
13 motions in the best interests of the minor may be filed. The
14 motion shall specify sufficient facts in support of the relief
15 requested.

16 (Source: P.A. 101-529, eff. 1-1-20.)

17 (705 ILCS 405/2-13.1)

18 Sec. 2-13.1. Early termination of active ~~reasonable~~
19 efforts.

20 (1) (a) In conjunction with, or at any time subsequent to,
21 the filing of a petition on behalf of a minor in accordance
22 with Section 2-13 of this Act, the State's Attorney, the
23 guardian ad litem, or the Department of Children and Family
24 Services may file a motion requesting a finding that active
25 ~~reasonable~~ efforts to reunify that minor with his or her

1 parent or parents are no longer required and are to cease.

2 (b) The court shall grant this motion with respect to a
3 parent of the minor if the court finds after a hearing that the
4 parent has:

5 (i) had his or her parental rights to another child of
6 the parent involuntarily terminated; or

7 (ii) been convicted of:

8 (A) first degree or second degree murder of
9 another child of the parent;

10 (B) attempt or conspiracy to commit first degree
11 or second degree murder of another child of the
12 parent;

13 (C) solicitation to commit murder of another child
14 of the parent, solicitation to commit murder for hire
15 of another child of the parent, or solicitation to
16 commit second degree murder of another child of the
17 parent;

18 (D) aggravated battery, aggravated battery of a
19 child, or felony domestic battery, any of which has
20 resulted in serious bodily injury to the minor or
21 another child of the parent; or

22 (E) an offense in any other state the elements of
23 which are similar and bear substantial relationship to
24 any of the foregoing offenses

25 unless the court sets forth in writing a compelling reason why
26 terminating active ~~reasonable~~ efforts to reunify the minor

1 with the parent would not be in the best interests of that
2 minor.

3 (c) The court shall also grant this motion with respect to
4 a parent of the minor if:

5 (i) after a hearing it determines that further
6 reunification services would no longer be appropriate, and

7 (ii) a dispositional hearing has already taken place.

8 (2) (a) The court shall hold a permanency hearing within
9 30 days of granting a motion pursuant to this subsection. If an
10 adjudicatory or a dispositional hearing, or both, has not
11 taken place when the court grants a motion pursuant to this
12 Section, then either or both hearings shall be held as needed
13 so that both take place on or before the date a permanency
14 hearing is held pursuant to this subsection.

15 (b) Following a permanency hearing held pursuant to
16 paragraph (a) of this subsection, the appointed custodian or
17 guardian of the minor shall make active ~~reasonable~~ efforts to
18 place the child in accordance with the permanency plan and
19 goal set by the court, and to complete the necessary steps to
20 locate and finalize a permanent placement.

21 (Source: P.A. 90-608, eff. 6-30-98.)

22 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

23 Sec. 2-21. Findings and adjudication.

24 (1) The court shall state for the record the manner in
25 which the parties received service of process and shall note

1 whether the return or returns of service, postal return
2 receipt or receipts for notice by certified mail, or
3 certificate or certificates of publication have been filed in
4 the court record. The court shall enter any appropriate orders
5 of default against any parent who has been properly served in
6 any manner and fails to appear.

7 No further service of process as defined in Sections 2-15
8 and 2-16 is required in any subsequent proceeding for a parent
9 who was properly served in any manner, except as required by
10 Supreme Court Rule 11.

11 The caseworker shall testify about the diligent search
12 conducted for the parent.

13 After hearing the evidence the court shall determine
14 whether or not the minor is abused, neglected, or dependent.
15 If it finds that the minor is not such a person, the court
16 shall order the petition dismissed and the minor discharged.
17 The court's determination of whether the minor is abused,
18 neglected, or dependent shall be stated in writing with the
19 factual basis supporting that determination.

20 If the court finds that the minor is abused, neglected, or
21 dependent, the court shall then determine and put in writing
22 the factual basis supporting that determination, and specify,
23 to the extent possible, the acts or omissions or both of each
24 parent, guardian, or legal custodian that form the basis of
25 the court's findings. That finding shall appear in the order
26 of the court.

1 If the court finds that the child has been abused,
2 neglected or dependent, the court shall admonish the parents
3 that they must cooperate with the Department of Children and
4 Family Services, comply with the terms of the service plan,
5 and correct the conditions that require the child to be in
6 care, or risk termination of parental rights.

7 If the court determines that a person has inflicted
8 physical or sexual abuse upon a minor, the court shall report
9 that determination to the Illinois State Police, which shall
10 include that information in its report to the President of the
11 school board for a school district that requests a criminal
12 history records check of that person, or the regional
13 superintendent of schools who requests a check of that person,
14 as required under Section 10-21.9 or 34-18.5 of the School
15 Code.

16 (2) If, pursuant to subsection (1) of this Section, the
17 court determines and puts in writing the factual basis
18 supporting the determination that the minor is either abused
19 or neglected or dependent, the court shall then set a time not
20 later than 30 days after the entry of the finding for a
21 dispositional hearing (unless an earlier date is required
22 pursuant to Section 2-13.1) to be conducted under Section 2-22
23 at which hearing the court shall determine whether it is
24 consistent with the health, safety and best interests of the
25 minor and the public that he be made a ward of the court. To
26 assist the court in making this and other determinations at

1 the dispositional hearing, the court may order that an
2 investigation be conducted and a dispositional report be
3 prepared concerning the minor's physical and mental history
4 and condition, family situation and background, economic
5 status, education, occupation, history of delinquency or
6 criminality, personal habits, and any other information that
7 may be helpful to the court. The dispositional hearing may be
8 continued once for a period not to exceed 30 days if the court
9 finds that such continuance is necessary to complete the
10 dispositional report.

11 (3) The time limits of this Section may be waived only by
12 consent of all parties and approval by the court, as
13 determined to be consistent with the health, safety and best
14 interests of the minor.

15 (4) For all cases adjudicated prior to July 1, 1991, for
16 which no dispositional hearing has been held prior to that
17 date, a dispositional hearing under Section 2-22 shall be held
18 within 90 days of July 1, 1991.

19 (5) The court may terminate the parental rights of a
20 parent at the initial dispositional hearing if all of the
21 following conditions are met:

22 (i) the original or amended petition contains a
23 request for termination of parental rights and appointment
24 of a guardian with power to consent to adoption; and

25 (ii) the court has found by a preponderance of
26 evidence, introduced or stipulated to at an adjudicatory

1 hearing, that the child comes under the jurisdiction of
2 the court as an abused, neglected, or dependent minor
3 under Section 2-18; and

4 (iii) the court finds, on the basis of clear and
5 convincing evidence admitted at the adjudicatory hearing
6 that the parent is an unfit person under subdivision D of
7 Section 1 of the Adoption Act; and

8 (iv) the court determines in accordance with the rules
9 of evidence for dispositional proceedings, that:

10 (A) it is in the best interest of the minor and
11 public that the child be made a ward of the court;

12 (A-5) active ~~reasonable~~ efforts under subsection
13 (1-1) of Section 5 of the Children and Family Services
14 Act are inappropriate or such efforts were made and
15 were unsuccessful; and

16 (B) termination of parental rights and appointment
17 of a guardian with power to consent to adoption is in
18 the best interest of the child pursuant to Section
19 2-29.

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

22 Sec. 2-28. Court review.

23 (1) The court may require any legal custodian or guardian
24 of the person appointed under this Act to report periodically
25 to the court or may cite him into court and require him or his

1 agency⁷ to make a full and accurate report of his or its doings
2 in behalf of the minor. The custodian or guardian, within 10
3 days after such citation, or earlier if the court determines
4 it to be necessary to protect the health, safety, or welfare of
5 the minor, shall make the report, either in writing verified
6 by affidavit or orally under oath in open court, or otherwise
7 as the court directs. Upon the hearing of the report the court
8 may remove the custodian or guardian and appoint another in
9 his stead or restore the minor to the custody of his parents or
10 former guardian or custodian. However, custody of the minor
11 shall not be restored to any parent, guardian, or legal
12 custodian in any case in which the minor is found to be
13 neglected or abused under Section 2-3 or dependent under
14 Section 2-4 of this Act, unless the minor can be cared for at
15 home without endangering the minor's health or safety and it
16 is in the best interests of the minor, and if such neglect,
17 abuse, or dependency is found by the court under paragraph (1)
18 of Section 2-21 of this Act to have come about due to the acts
19 or omissions or both of such parent, guardian, or legal
20 custodian, until such time as an investigation is made as
21 provided in paragraph (5) and a hearing is held on the issue of
22 the fitness of such parent, guardian, or legal custodian to
23 care for the minor and the court enters an order that such
24 parent, guardian, or legal custodian is fit to care for the
25 minor.

26 (1.5) The public agency that is the custodian or guardian

1 of the minor shall file a written report with the court no
2 later than 15 days after a minor in the agency's care remains:

3 (1) in a shelter placement beyond 30 days;

4 (2) in a psychiatric hospital past the time when the
5 minor is clinically ready for discharge or beyond medical
6 necessity for the minor's health; or

7 (3) in a detention center or Department of Juvenile
8 Justice facility solely because the public agency cannot
9 find an appropriate placement for the minor.

10 The report shall explain the steps the agency is taking to
11 ensure the minor is placed appropriately, how the minor's
12 needs are being met in the minor's shelter placement, and if a
13 future placement has been identified by the Department, why
14 the anticipated placement is appropriate for the needs of the
15 minor and the anticipated placement date.

16 (1.6) Within 35 days after placing a child in its care in a
17 qualified residential treatment program, as defined by the
18 federal Social Security Act, the Department of Children and
19 Family Services shall file a written report with the court and
20 send copies of the report to all parties. Within 20 days of the
21 filing of the report, the court shall hold a hearing to
22 consider the Department's report and determine whether
23 placement of the child in a qualified residential treatment
24 program provides the most effective and appropriate level of
25 care for the child in the least restrictive environment and if
26 the placement is consistent with the short-term and long-term

1 goals for the child, as specified in the permanency plan for
2 the child. The court shall approve or disapprove the
3 placement. If applicable, the requirements of Sections 2-27.1
4 and 2-27.2 must also be met. The Department's written report
5 and the court's written determination shall be included in and
6 made part of the case plan for the child. If the child remains
7 placed in a qualified residential treatment program, the
8 Department shall submit evidence at each status and permanency
9 hearing:

10 (1) demonstrating that on-going assessment of the
11 strengths and needs of the child continues to support the
12 determination that the child's needs cannot be met through
13 placement in a foster family home, that the placement
14 provides the most effective and appropriate level of care
15 for the child in the least restrictive, appropriate
16 environment, and that the placement is consistent with the
17 short-term and long-term permanency goal for the child, as
18 specified in the permanency plan for the child;

19 (2) documenting the specific treatment or service
20 needs that should be met for the child in the placement and
21 the length of time the child is expected to need the
22 treatment or services; and

23 (3) the efforts made by the agency to prepare the
24 child to return home or to be placed with a fit and willing
25 relative, a legal guardian, or an adoptive parent, or in a
26 foster family home.

1 (2) The first permanency hearing shall be conducted by the
2 judge. Subsequent permanency hearings may be heard by a judge
3 or by hearing officers appointed or approved by the court in
4 the manner set forth in Section 2-28.1 of this Act. The initial
5 hearing shall be held (a) within 12 months from the date
6 temporary custody was taken, regardless of whether an
7 adjudication or dispositional hearing has been completed
8 within that time frame, (b) if the parental rights of both
9 parents have been terminated in accordance with the procedure
10 described in subsection (5) of Section 2-21, within 30 days of
11 the order for termination of parental rights and appointment
12 of a guardian with power to consent to adoption, or (c) in
13 accordance with subsection (2) of Section 2-13.1. Subsequent
14 permanency hearings shall be held every 6 months or more
15 frequently if necessary in the court's determination following
16 the initial permanency hearing, in accordance with the
17 standards set forth in this Section, until the court
18 determines that the plan and goal have been achieved. Once the
19 plan and goal have been achieved, if the minor remains in
20 substitute care, the case shall be reviewed at least every 6
21 months thereafter, subject to the provisions of this Section,
22 unless the minor is placed in the guardianship of a suitable
23 relative or other person and the court determines that further
24 monitoring by the court does not further the health, safety,
25 or best interest of the child and that this is a stable
26 permanent placement. The permanency hearings must occur within

1 the time frames set forth in this subsection and may not be
2 delayed in anticipation of a report from any source or due to
3 the agency's failure to timely file its written report (this
4 written report means the one required under the next paragraph
5 and does not mean the service plan also referred to in that
6 paragraph).

7 The public agency that is the custodian or guardian of the
8 minor, or another agency responsible for the minor's care,
9 shall ensure that all parties to the permanency hearings are
10 provided a copy of the most recent service plan prepared
11 within the prior 6 months at least 14 days in advance of the
12 hearing. If not contained in the agency's service plan, the
13 agency shall also include a report setting forth (i) any
14 special physical, psychological, educational, medical,
15 emotional, or other needs of the minor or his or her family
16 that are relevant to a permanency or placement determination
17 and (ii) for any minor age 16 or over, a written description of
18 the programs and services that will enable the minor to
19 prepare for independent living. If not contained in the
20 agency's service plan, the agency's report shall specify if a
21 minor is placed in a licensed child care facility under a
22 corrective plan by the Department due to concerns impacting
23 the minor's safety and well-being. The report shall explain
24 the steps the Department is taking to ensure the safety and
25 well-being of the minor and that the minor's needs are met in
26 the facility. The agency's written report must detail what

1 progress or lack of progress the parent has made in correcting
2 the conditions requiring the child to be in care; whether the
3 child can be returned home without jeopardizing the child's
4 health, safety, and welfare, and if not, what permanency goal
5 is recommended to be in the best interests of the child, and
6 why the other permanency goals are not appropriate. The
7 caseworker must appear and testify at the permanency hearing.
8 If a permanency hearing has not previously been scheduled by
9 the court, the moving party shall move for the setting of a
10 permanency hearing and the entry of an order within the time
11 frames set forth in this subsection.

12 At the permanency hearing, the court shall determine the
13 future status of the child. The court shall set one of the
14 following permanency goals:

15 (A) The minor will be returned home by a specific date
16 within 5 months.

17 (B) The minor will be in short-term care with a
18 continued goal to return home within a period not to
19 exceed one year, where the progress of the parent or
20 parents is substantial giving particular consideration to
21 the age and individual needs of the minor.

22 (B-1) The minor will be in short-term care with a
23 continued goal to return home pending a status hearing.
24 When the court finds that a parent has not made active
25 ~~reasonable~~ efforts or reasonable progress to date, the
26 court shall identify what actions the parent and the

1 Department must take in order to justify a finding of
2 active ~~reasonable~~ efforts or reasonable progress and shall
3 set a status hearing to be held not earlier than 9 months
4 from the date of adjudication nor later than 11 months
5 from the date of adjudication during which the parent's
6 progress will again be reviewed.

7 (C) The minor will be in substitute care pending court
8 determination on termination of parental rights.

9 (D) Adoption, provided that parental rights have been
10 terminated or relinquished.

11 (E) The guardianship of the minor will be transferred
12 to an individual or couple on a permanent basis provided
13 that goals (A) through (D) have been deemed inappropriate
14 and not in the child's best interests. The court shall
15 confirm that the Department has discussed adoption, if
16 appropriate, and guardianship with the caregiver prior to
17 changing a goal to guardianship.

18 (F) The minor over age 15 will be in substitute care
19 pending independence. In selecting this permanency goal,
20 the Department of Children and Family Services may provide
21 services to enable reunification and to strengthen the
22 minor's connections with family, fictive kin, and other
23 responsible adults, provided the services are in the
24 minor's best interest. The services shall be documented in
25 the service plan.

26 (G) The minor will be in substitute care because he or

1 she cannot be provided for in a home environment due to
2 developmental disabilities or mental illness or because he
3 or she is a danger to self or others, provided that goals
4 (A) through (D) have been deemed inappropriate and not in
5 the child's best interests.

6 In selecting any permanency goal, the court shall indicate
7 in writing the reasons the goal was selected and why the
8 preceding goals were deemed inappropriate and not in the
9 child's best interest. Where the court has selected a
10 permanency goal other than (A), (B), or (B-1), the Department
11 of Children and Family Services shall not provide further
12 reunification services, except as provided in paragraph (F) of
13 this subsection (2), but shall provide services consistent
14 with the goal selected.

15 (H) Notwithstanding any other provision in this
16 Section, the court may select the goal of continuing
17 foster care as a permanency goal if:

18 (1) The Department of Children and Family Services
19 has custody and guardianship of the minor;

20 (2) The court has deemed all other permanency
21 goals inappropriate based on the child's best
22 interest;

23 (3) The court has found compelling reasons, based
24 on written documentation reviewed by the court, to
25 place the minor in continuing foster care. Compelling
26 reasons include:

1 (a) the child does not wish to be adopted or to
2 be placed in the guardianship of his or her
3 relative or foster care placement;

4 (b) the child exhibits an extreme level of
5 need such that the removal of the child from his or
6 her placement would be detrimental to the child;
7 or

8 (c) the child who is the subject of the
9 permanency hearing has existing close and strong
10 bonds with a sibling, and achievement of another
11 permanency goal would substantially interfere with
12 the subject child's sibling relationship, taking
13 into consideration the nature and extent of the
14 relationship, and whether ongoing contact is in
15 the subject child's best interest, including
16 long-term emotional interest, as compared with the
17 legal and emotional benefit of permanence;

18 (4) The child has lived with the relative or
19 foster parent for at least one year; and

20 (5) The relative or foster parent currently caring
21 for the child is willing and capable of providing the
22 child with a stable and permanent environment.

23 The court shall set a permanency goal that is in the best
24 interest of the child. In determining that goal, the court
25 shall consult with the minor in an age-appropriate manner
26 regarding the proposed permanency or transition plan for the

1 minor. The court's determination shall include the following
2 factors:

3 (1) Age of the child.

4 (2) Options available for permanence, including both
5 out-of-state and in-state placement options.

6 (3) Current placement of the child and the intent of
7 the family regarding adoption.

8 (4) Emotional, physical, and mental status or
9 condition of the child.

10 (5) Types of services previously offered and whether
11 or not the services were successful and, if not
12 successful, the reasons the services failed.

13 (6) Availability of services currently needed and
14 whether the services exist.

15 (7) Status of siblings of the minor.

16 The court shall consider (i) the permanency goal contained
17 in the service plan, (ii) the appropriateness of the services
18 contained in the plan and whether those services have been
19 provided, (iii) whether active ~~reasonable~~ efforts have been
20 made by all the parties to the service plan to achieve the
21 goal, and (iv) whether the plan and goal have been achieved.
22 All evidence relevant to determining these questions,
23 including oral and written reports, may be admitted and may be
24 relied on to the extent of their probative value.

25 The court shall make findings as to whether, in violation
26 of Section 8.2 of the Abused and Neglected Child Reporting

1 Act, any portion of the service plan compels a child or parent
2 to engage in any activity or refrain from any activity that is
3 not reasonably related to remedying a condition or conditions
4 that gave rise or which could give rise to any finding of child
5 abuse or neglect. The services contained in the service plan
6 shall include services reasonably related to remedy the
7 conditions that gave rise to removal of the child from the home
8 of his or her parents, guardian, or legal custodian or that the
9 court has found must be remedied prior to returning the child
10 home. Any tasks the court requires of the parents, guardian,
11 or legal custodian or child prior to returning the child home,
12 must be reasonably related to remedying a condition or
13 conditions that gave rise to or which could give rise to any
14 finding of child abuse or neglect.

15 If the permanency goal is to return home, the court shall
16 make findings that identify any problems that are causing
17 continued placement of the children away from the home and
18 identify what outcomes would be considered a resolution to
19 these problems. The court shall explain to the parents that
20 these findings are based on the information that the court has
21 at that time and may be revised, should additional evidence be
22 presented to the court.

23 The court shall review the Sibling Contact Support Plan
24 developed or modified under subsection (f) of Section 7.4 of
25 the Children and Family Services Act, if applicable. If the
26 Department has not convened a meeting to develop or modify a

1 Sibling Contact Support Plan, or if the court finds that the
2 existing Plan is not in the child's best interest, the court
3 may enter an order requiring the Department to develop,
4 modify, or implement a Sibling Contact Support Plan, or order
5 mediation.

6 If the goal has been achieved, the court shall enter
7 orders that are necessary to conform the minor's legal custody
8 and status to those findings.

9 If, after receiving evidence, the court determines that
10 the services contained in the plan are not reasonably
11 calculated to facilitate achievement of the permanency goal,
12 the court shall put in writing the factual basis supporting
13 the determination and enter specific findings based on the
14 evidence. The court also shall enter an order for the
15 Department to develop and implement a new service plan or to
16 implement changes to the current service plan consistent with
17 the court's findings. The new service plan shall be filed with
18 the court and served on all parties within 45 days of the date
19 of the order. The court shall continue the matter until the new
20 service plan is filed. Except as authorized by subsection
21 (2.5) of this Section and as otherwise specifically authorized
22 by law, the court is not empowered under this Section to order
23 specific placements, specific services, or specific service
24 providers to be included in the service plan.

25 A guardian or custodian appointed by the court pursuant to
26 this Act shall file updated case plans with the court every 6

1 months.

2 Rights of wards of the court under this Act are
3 enforceable against any public agency by complaints for relief
4 by mandamus filed in any proceedings brought under this Act.

5 (2.5) If, after reviewing the evidence, including evidence
6 from the Department, the court determines that the minor's
7 current or planned placement is not necessary or appropriate
8 to facilitate achievement of the permanency goal, the court
9 shall put in writing the factual basis supporting its
10 determination and enter specific findings based on the
11 evidence. If the court finds that the minor's current or
12 planned placement is not necessary or appropriate, the court
13 may enter an order directing the Department to implement a
14 recommendation by the minor's treating clinician or a
15 clinician contracted by the Department to evaluate the minor
16 or a recommendation made by the Department. If the Department
17 places a minor in a placement under an order entered under this
18 subsection (2.5), the Department has the authority to remove
19 the minor from that placement when a change in circumstances
20 necessitates the removal to protect the minor's health,
21 safety, and best interest. If the Department determines
22 removal is necessary, the Department shall notify the parties
23 of the planned placement change in writing no later than 10
24 days prior to the implementation of its determination unless
25 remaining in the placement poses an imminent risk of harm to
26 the minor, in which case the Department shall notify the

1 parties of the placement change in writing immediately
2 following the implementation of its decision. The Department
3 shall notify others of the decision to change the minor's
4 placement as required by Department rule.

5 (3) Following the permanency hearing, the court shall
6 enter a written order that includes the determinations
7 required under subsection (2) of this Section and sets forth
8 the following:

9 (a) The future status of the minor, including the
10 permanency goal, and any order necessary to conform the
11 minor's legal custody and status to such determination; or

12 (b) If the permanency goal of the minor cannot be
13 achieved immediately, the specific reasons for continuing
14 the minor in the care of the Department of Children and
15 Family Services or other agency for short-term ~~short-term~~
16 placement, and the following determinations:

17 (i) (Blank).

18 (ii) Whether the services required by the court
19 and by any service plan prepared within the prior 6
20 months have been provided and (A) if so, whether the
21 services were reasonably calculated to facilitate the
22 achievement of the permanency goal or (B) if not
23 provided, why the services were not provided.

24 (iii) Whether the minor's current or planned
25 placement is necessary, and appropriate to the plan
26 and goal, recognizing the right of minors to the least

1 restrictive (most family-like) setting available and
2 in close proximity to the parents' home consistent
3 with the health, safety, best interest, and special
4 needs of the minor and, if the minor is placed
5 out-of-state, whether the out-of-state placement
6 continues to be appropriate and consistent with the
7 health, safety, and best interest of the minor.

8 (iv) (Blank).

9 (v) (Blank).

10 (4) The minor or any person interested in the minor may
11 apply to the court for a change in custody of the minor and the
12 appointment of a new custodian or guardian of the person or for
13 the restoration of the minor to the custody of his parents or
14 former guardian or custodian.

15 When return home is not selected as the permanency goal:

16 (a) The Department, the minor, or the current foster
17 parent or relative caregiver seeking private guardianship
18 may file a motion for private guardianship of the minor.
19 Appointment of a guardian under this Section requires
20 approval of the court.

21 (b) The State's Attorney may file a motion to
22 terminate parental rights of any parent who has failed to
23 make active ~~reasonable~~ efforts to correct the conditions
24 which led to the removal of the child or reasonable
25 progress toward the return of the child, as defined in
26 subdivision (D) (m) of Section 1 of the Adoption Act or for

1 whom any other unfitness ground for terminating parental
2 rights as defined in subdivision (D) of Section 1 of the
3 Adoption Act exists.

4 When parental rights have been terminated for a
5 minimum of 3 years and the child who is the subject of the
6 permanency hearing is 13 years old or older and is not
7 currently placed in a placement likely to achieve
8 permanency, the Department of Children and Family Services
9 shall make active ~~reasonable~~ efforts to locate parents
10 whose rights have been terminated, except when the Court
11 determines that those efforts would be futile or
12 inconsistent with the subject child's best interests. The
13 Department of Children and Family Services shall assess
14 the appropriateness of the parent whose rights have been
15 terminated, and shall, as appropriate, foster and support
16 connections between the parent whose rights have been
17 terminated and the youth. The Department of Children and
18 Family Services shall document its determinations and
19 efforts to foster connections in the child's case plan.

20 Custody of the minor shall not be restored to any parent,
21 guardian, or legal custodian in any case in which the minor is
22 found to be neglected or abused under Section 2-3 or dependent
23 under Section 2-4 of this Act, unless the minor can be cared
24 for at home without endangering his or her health or safety and
25 it is in the best interest of the minor, and if such neglect,
26 abuse, or dependency is found by the court under paragraph (1)

1 of Section 2-21 of this Act to have come about due to the acts
2 or omissions or both of such parent, guardian, or legal
3 custodian, until such time as an investigation is made as
4 provided in paragraph (5) and a hearing is held on the issue of
5 the health, safety, and best interest of the minor and the
6 fitness of such parent, guardian, or legal custodian to care
7 for the minor and the court enters an order that such parent,
8 guardian, or legal custodian is fit to care for the minor. If a
9 motion is filed to modify or vacate a private guardianship
10 order and return the child to a parent, guardian, or legal
11 custodian, the court may order the Department of Children and
12 Family Services to assess the minor's current and proposed
13 living arrangements and to provide ongoing monitoring of the
14 health, safety, and best interest of the minor during the
15 pendency of the motion to assist the court in making that
16 determination. In the event that the minor has attained 18
17 years of age and the guardian or custodian petitions the court
18 for an order terminating his guardianship or custody,
19 guardianship or custody shall terminate automatically 30 days
20 after the receipt of the petition unless the court orders
21 otherwise. No legal custodian or guardian of the person may be
22 removed without his consent until given notice and an
23 opportunity to be heard by the court.

24 When the court orders a child restored to the custody of
25 the parent or parents, the court shall order the parent or
26 parents to cooperate with the Department of Children and

1 Family Services and comply with the terms of an after-care
2 plan, or risk the loss of custody of the child and possible
3 termination of their parental rights. The court may also enter
4 an order of protective supervision in accordance with Section
5 2-24.

6 If the minor is being restored to the custody of a parent,
7 legal custodian, or guardian who lives outside of Illinois,
8 and an Interstate Compact has been requested and refused, the
9 court may order the Department of Children and Family Services
10 to arrange for an assessment of the minor's proposed living
11 arrangement and for ongoing monitoring of the health, safety,
12 and best interest of the minor and compliance with any order of
13 protective supervision entered in accordance with Section
14 2-24.

15 (5) Whenever a parent, guardian, or legal custodian files
16 a motion for restoration of custody of the minor, and the minor
17 was adjudicated neglected, abused, or dependent as a result of
18 physical abuse, the court shall cause to be made an
19 investigation as to whether the movant has ever been charged
20 with or convicted of any criminal offense which would indicate
21 the likelihood of any further physical abuse to the minor.
22 Evidence of such criminal convictions shall be taken into
23 account in determining whether the minor can be cared for at
24 home without endangering his or her health or safety and
25 fitness of the parent, guardian, or legal custodian.

26 (a) Any agency of this State or any subdivision

1 thereof shall cooperate with the agent of the court in
2 providing any information sought in the investigation.

3 (b) The information derived from the investigation and
4 any conclusions or recommendations derived from the
5 information shall be provided to the parent, guardian, or
6 legal custodian seeking restoration of custody prior to
7 the hearing on fitness and the movant shall have an
8 opportunity at the hearing to refute the information or
9 contest its significance.

10 (c) All information obtained from any investigation
11 shall be confidential as provided in Section 5-150 of this
12 Act.

13 (Source: P.A. 101-63, eff. 10-1-19; 102-193, eff. 7-30-21;
14 102-489, eff. 8-20-21; 102-813, eff. 5-13-22; revised
15 8-23-22.)

16 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

17 Sec. 2-31. Duration of wardship and discharge of
18 proceedings.

19 (1) All proceedings under Article II of this Act in
20 respect of any minor automatically terminate upon his or her
21 attaining the age of 21 years.

22 (2) Whenever the court determines, and makes written
23 factual findings, that health, safety, and the best interests
24 of the minor and the public no longer require the wardship of
25 the court, the court shall order the wardship terminated and

1 all proceedings under this Act respecting that minor finally
2 closed and discharged. The court may at the same time continue
3 or terminate any custodianship or guardianship theretofore
4 ordered but the termination must be made in compliance with
5 Section 2-28. When terminating wardship under this Section, if
6 the minor is over 18 or if wardship is terminated in
7 conjunction with an order partially or completely emancipating
8 the minor in accordance with the Emancipation of Minors Act,
9 the court shall also consider the following factors, in
10 addition to the health, safety, and best interest of the minor
11 and the public: (A) the minor's wishes regarding case closure;
12 (B) the manner in which the minor will maintain independence
13 without services from the Department; (C) the minor's
14 engagement in services including placement offered by the
15 Department; (D) if the minor is not engaged, the Department's
16 efforts to engage the minor; (E) the nature of communication
17 between the minor and the Department; (F) the minor's
18 involvement in other State systems or services; (G) the
19 minor's connections with family and other community support;
20 and (H) any other factor the court deems relevant. The minor's
21 lack of cooperation with services provided by the Department
22 of Children and Family Services shall not by itself be
23 considered sufficient evidence that the minor is prepared to
24 live independently and that it is in the best interest of the
25 minor to terminate wardship. It shall not be in the minor's
26 best interest to terminate wardship of a minor over the age of

1 18 who is in the guardianship of the Department of Children and
2 Family Services if the Department has not made active
3 ~~reasonable~~ efforts to ensure that the minor has documents
4 necessary for adult living as provided in Section 35.10 of the
5 Children and Family Services Act.

6 (3) The wardship of the minor and any custodianship or
7 guardianship respecting the minor for whom a petition was
8 filed after July 24, 1991 (the effective date of Public Act
9 87-14) automatically terminates when he attains the age of 19
10 years, except as set forth in subsection (1) of this Section.
11 The clerk of the court shall at that time record all
12 proceedings under this Act as finally closed and discharged
13 for that reason. The provisions of this subsection (3) become
14 inoperative on and after July 12, 2019 (the effective date of
15 Public Act 101-78).

16 (4) Notwithstanding any provision of law to the contrary,
17 the changes made by Public Act 101-78 apply to all cases that
18 are pending on or after July 12, 2019 (the effective date of
19 Public Act 101-78).

20 (Source: P.A. 101-78, eff. 7-12-19; 102-558, eff. 8-20-21.)

21 Section 10. The Adoption Act is amended by changing
22 Section 1 as follows:

23 (750 ILCS 50/1) (from Ch. 40, par. 1501)

24 Sec. 1. Definitions. When used in this Act, unless the

1 context otherwise requires:

2 A. "Child" means a person under legal age subject to
3 adoption under this Act.

4 B. "Related child" means a child subject to adoption where
5 either or both of the adopting parents stands in any of the
6 following relationships to the child by blood, marriage,
7 adoption, or civil union: parent, grand-parent,
8 great-grandparent, brother, sister, step-parent,
9 step-grandparent, step-brother, step-sister, uncle, aunt,
10 great-uncle, great-aunt, first cousin, or second cousin. A
11 person is related to the child as a first cousin or second
12 cousin if they are both related to the same ancestor as either
13 grandchild or great-grandchild. A child whose parent has
14 executed a consent to adoption, a surrender, or a waiver
15 pursuant to Section 10 of this Act or whose parent has signed a
16 denial of paternity pursuant to Section 12 of the Vital
17 Records Act or Section 12a of this Act, or whose parent has had
18 his or her parental rights terminated, is not a related child
19 to that person, unless (1) the consent is determined to be void
20 or is void pursuant to subsection O of Section 10 of this Act;
21 or (2) the parent of the child executed a consent to adoption
22 by a specified person or persons pursuant to subsection A-1 of
23 Section 10 of this Act and a court of competent jurisdiction
24 finds that such consent is void; or (3) the order terminating
25 the parental rights of the parent is vacated by a court of
26 competent jurisdiction.

1 C. "Agency" for the purpose of this Act means a public
2 child welfare agency or a licensed child welfare agency.

3 D. "Unfit person" means any person whom the court shall
4 find to be unfit to have a child, without regard to the
5 likelihood that the child will be placed for adoption. The
6 grounds of unfitness are any one or more of the following,
7 except that a person shall not be considered an unfit person
8 for the sole reason that the person has relinquished a child in
9 accordance with the Abandoned Newborn Infant Protection Act or
10 the Department of Children and Family Services or its assign
11 has been found to have not made active efforts as defined in
12 Section 1-3 of the Juvenile Court Act of 1987 during any period
13 during the pendency of the case at hand:

14 (a) Abandonment of the child.

15 (a-1) Abandonment of a newborn infant in a hospital.

16 (a-2) Abandonment of a newborn infant in any setting
17 where the evidence suggests that the parent intended to
18 relinquish his or her parental rights.

19 (b) Failure to maintain a reasonable degree of
20 interest, concern or responsibility as to the child's
21 welfare.

22 (c) Desertion of the child for more than 3 months next
23 preceding the commencement of the Adoption proceeding.

24 (d) Substantial neglect of the child if continuous or
25 repeated.

26 (d-1) Substantial neglect, if continuous or repeated,

1 of any child residing in the household which resulted in
2 the death of that child.

3 (e) Extreme or repeated cruelty to the child.

4 (f) There is a rebuttable presumption, which can be
5 overcome only by clear and convincing evidence, that a
6 parent is unfit if:

7 (1) Two or more findings of physical abuse have
8 been entered regarding any children under Section 2-21
9 of the Juvenile Court Act of 1987, the most recent of
10 which was determined by the juvenile court hearing the
11 matter to be supported by clear and convincing
12 evidence; or

13 (2) The parent has been convicted or found not
14 guilty by reason of insanity and the conviction or
15 finding resulted from the death of any child by
16 physical abuse; or

17 (3) There is a finding of physical child abuse
18 resulting from the death of any child under Section
19 2-21 of the Juvenile Court Act of 1987.

20 No conviction or finding of delinquency pursuant to
21 Article V of the Juvenile Court Act of 1987 shall be
22 considered a criminal conviction for the purpose of
23 applying any presumption under this item (f).

24 (g) Failure to protect the child from conditions
25 within his environment injurious to the child's welfare.

26 (h) Other neglect of, or misconduct toward the child;

1 provided that in making a finding of unfitness the court
2 hearing the adoption proceeding shall not be bound by any
3 previous finding, order or judgment affecting or
4 determining the rights of the parents toward the child
5 sought to be adopted in any other proceeding except such
6 proceedings terminating parental rights as shall be had
7 under either this Act, the Juvenile Court Act or the
8 Juvenile Court Act of 1987.

9 (i) Depravity. Conviction of any one of the following
10 crimes shall create a presumption that a parent is
11 depraved which can be overcome only by clear and
12 convincing evidence: (1) first degree murder in violation
13 of paragraph (1) or (2) of subsection (a) of Section 9-1 of
14 the Criminal Code of 1961 or the Criminal Code of 2012 or
15 conviction of second degree murder in violation of
16 subsection (a) of Section 9-2 of the Criminal Code of 1961
17 or the Criminal Code of 2012 of a parent of the child to be
18 adopted; (2) first degree murder or second degree murder
19 of any child in violation of the Criminal Code of 1961 or
20 the Criminal Code of 2012; (3) attempt or conspiracy to
21 commit first degree murder or second degree murder of any
22 child in violation of the Criminal Code of 1961 or the
23 Criminal Code of 2012; (4) solicitation to commit murder
24 of any child, solicitation to commit murder of any child
25 for hire, or solicitation to commit second degree murder
26 of any child in violation of the Criminal Code of 1961 or

1 the Criminal Code of 2012; (5) predatory criminal sexual
2 assault of a child in violation of Section 11-1.40 or
3 12-14.1 of the Criminal Code of 1961 or the Criminal Code
4 of 2012; (6) heinous battery of any child in violation of
5 the Criminal Code of 1961; (7) aggravated battery of any
6 child in violation of the Criminal Code of 1961 or the
7 Criminal Code of 2012; (8) any violation of Section
8 11-1.20 or Section 12-13 of the Criminal Code of 1961 or
9 the Criminal Code of 2012; (9) any violation of subsection
10 (a) of Section 11-1.50 or Section 12-16 of the Criminal
11 Code of 1961 or the Criminal Code of 2012; (10) any
12 violation of Section 11-9.1 of the Criminal Code of 1961
13 or the Criminal Code of 2012; (11) any violation of
14 Section 11-9.1A of the Criminal Code of 1961 or the
15 Criminal Code of 2012; or (12) an offense in any other
16 state the elements of which are similar and bear a
17 substantial relationship to any of the enumerated offenses
18 in this subsection (i).

19 There is a rebuttable presumption that a parent is
20 depraved if the parent has been criminally convicted of at
21 least 3 felonies under the laws of this State or any other
22 state, or under federal law, or the criminal laws of any
23 United States territory; and at least one of these
24 convictions took place within 5 years of the filing of the
25 petition or motion seeking termination of parental rights.

26 There is a rebuttable presumption that a parent is

1 depraved if that parent has been criminally convicted of
2 either first or second degree murder of any person as
3 defined in the Criminal Code of 1961 or the Criminal Code
4 of 2012 within 10 years of the filing date of the petition
5 or motion to terminate parental rights.

6 No conviction or finding of delinquency pursuant to
7 Article 5 of the Juvenile Court Act of 1987 shall be
8 considered a criminal conviction for the purpose of
9 applying any presumption under this item (i).

10 (j) Open and notorious adultery or fornication.

11 (j-1) (Blank).

12 (k) Habitual drunkenness or addiction to drugs, other
13 than those prescribed by a physician, for at least one
14 year immediately prior to the commencement of the
15 unfitness proceeding.

16 There is a rebuttable presumption that a parent is
17 unfit under this subsection with respect to any child to
18 which that parent gives birth where there is a confirmed
19 test result that at birth the child's blood, urine, or
20 meconium contained any amount of a controlled substance as
21 defined in subsection (f) of Section 102 of the Illinois
22 Controlled Substances Act or metabolites of such
23 substances, the presence of which in the newborn infant
24 was not the result of medical treatment administered to
25 the mother or the newborn infant; and the biological
26 mother of this child is the biological mother of at least

1 one other child who was adjudicated a neglected minor
2 under subsection (c) of Section 2-3 of the Juvenile Court
3 Act of 1987.

4 (l) Failure to demonstrate a reasonable degree of
5 interest, concern or responsibility as to the welfare of a
6 new born child during the first 30 days after its birth.

7 (m) Failure by a parent (i) to make reasonable efforts
8 to correct the conditions that were the basis for the
9 removal of the child from the parent during any 9-month
10 period following the adjudication of neglected or abused
11 minor under Section 2-3 of the Juvenile Court Act of 1987
12 or dependent minor under Section 2-4 of that Act, or (ii)
13 to make reasonable progress toward the return of the child
14 to the parent during any 9-month period following the
15 adjudication of neglected or abused minor under Section
16 2-3 of the Juvenile Court Act of 1987 or dependent minor
17 under Section 2-4 of that Act. If a service plan has been
18 established as required under Section 8.2 of the Abused
19 and Neglected Child Reporting Act to correct the
20 conditions that were the basis for the removal of the
21 child from the parent and if those services were
22 available, then, for purposes of this Act, "failure to
23 make reasonable progress toward the return of the child to
24 the parent" includes the parent's failure to substantially
25 fulfill his or her obligations under the service plan and
26 correct the conditions that brought the child into care

1 during any 9-month period following the adjudication under
2 Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
3 Notwithstanding any other provision, when a petition or
4 motion seeks to terminate parental rights on the basis of
5 item (ii) of this subsection (m), the petitioner shall
6 file with the court and serve on the parties a pleading
7 that specifies the 9-month period or periods relied on.
8 The pleading shall be filed and served on the parties no
9 later than 3 weeks before the date set by the court for
10 closure of discovery, and the allegations in the pleading
11 shall be treated as incorporated into the petition or
12 motion. Failure of a respondent to file a written denial
13 of the allegations in the pleading shall not be treated as
14 an admission that the allegations are true.

15 (m-1) (Blank).

16 (n) Evidence of intent to forgo his or her parental
17 rights, whether or not the child is a ward of the court,
18 (1) as manifested by his or her failure for a period of 12
19 months: (i) to visit the child, (ii) to communicate with
20 the child or agency, although able to do so and not
21 prevented from doing so by an agency or by court order, or
22 (iii) to maintain contact with or plan for the future of
23 the child, although physically able to do so, or (2) as
24 manifested by the father's failure, where he and the
25 mother of the child were unmarried to each other at the
26 time of the child's birth, (i) to commence legal

1 proceedings to establish his paternity under the Illinois
2 Parentage Act of 1984, the Illinois Parentage Act of 2015,
3 or the law of the jurisdiction of the child's birth within
4 30 days of being informed, pursuant to Section 12a of this
5 Act, that he is the father or the likely father of the
6 child or, after being so informed where the child is not
7 yet born, within 30 days of the child's birth, or (ii) to
8 make a good faith effort to pay a reasonable amount of the
9 expenses related to the birth of the child and to provide a
10 reasonable amount for the financial support of the child,
11 the court to consider in its determination all relevant
12 circumstances, including the financial condition of both
13 parents; provided that the ground for termination provided
14 in this subparagraph (n) (2) (ii) shall only be available
15 where the petition is brought by the mother or the husband
16 of the mother.

17 Contact or communication by a parent with his or her
18 child that does not demonstrate affection and concern does
19 not constitute reasonable contact and planning under
20 subdivision (n). In the absence of evidence to the
21 contrary, the ability to visit, communicate, maintain
22 contact, pay expenses and plan for the future shall be
23 presumed. The subjective intent of the parent, whether
24 expressed or otherwise, unsupported by evidence of the
25 foregoing parental acts manifesting that intent, shall not
26 preclude a determination that the parent has intended to

1 forgo his or her parental rights. In making this
2 determination, the court may consider but shall not
3 require a showing of diligent efforts by an authorized
4 agency to encourage the parent to perform the acts
5 specified in subdivision (n).

6 It shall be an affirmative defense to any allegation
7 under paragraph (2) of this subsection that the father's
8 failure was due to circumstances beyond his control or to
9 impediments created by the mother or any other person
10 having legal custody. Proof of that fact need only be by a
11 preponderance of the evidence.

12 (o) Repeated or continuous failure by the parents,
13 although physically and financially able, to provide the
14 child with adequate food, clothing, or shelter.

15 (p) Inability to discharge parental responsibilities
16 supported by competent evidence from a psychiatrist,
17 licensed clinical social worker, or clinical psychologist
18 of mental impairment, mental illness or an intellectual
19 disability as defined in Section 1-116 of the Mental
20 Health and Developmental Disabilities Code, or
21 developmental disability as defined in Section 1-106 of
22 that Code, and there is sufficient justification to
23 believe that the inability to discharge parental
24 responsibilities shall extend beyond a reasonable time
25 period. However, this subdivision (p) shall not be
26 construed so as to permit a licensed clinical social

1 worker to conduct any medical diagnosis to determine
2 mental illness or mental impairment.

3 (q) (Blank).

4 (r) The child is in the temporary custody or
5 guardianship of the Department of Children and Family
6 Services, the parent is incarcerated as a result of
7 criminal conviction at the time the petition or motion for
8 termination of parental rights is filed, prior to
9 incarceration the parent had little or no contact with the
10 child or provided little or no support for the child, and
11 the parent's incarceration will prevent the parent from
12 discharging his or her parental responsibilities for the
13 child for a period in excess of 2 years after the filing of
14 the petition or motion for termination of parental rights.

15 (s) The child is in the temporary custody or
16 guardianship of the Department of Children and Family
17 Services, the parent is incarcerated at the time the
18 petition or motion for termination of parental rights is
19 filed, the parent has been repeatedly incarcerated as a
20 result of criminal convictions, and the parent's repeated
21 incarceration has prevented the parent from discharging
22 his or her parental responsibilities for the child.

23 (t) A finding that at birth the child's blood, urine,
24 or meconium contained any amount of a controlled substance
25 as defined in subsection (f) of Section 102 of the
26 Illinois Controlled Substances Act, or a metabolite of a

1 controlled substance, with the exception of controlled
2 substances or metabolites of such substances, the presence
3 of which in the newborn infant was the result of medical
4 treatment administered to the mother or the newborn
5 infant, and that the biological mother of this child is
6 the biological mother of at least one other child who was
7 adjudicated a neglected minor under subsection (c) of
8 Section 2-3 of the Juvenile Court Act of 1987, after which
9 the biological mother had the opportunity to enroll in and
10 participate in a clinically appropriate substance abuse
11 counseling, treatment, and rehabilitation program.

12 E. "Parent" means a person who is the legal mother or legal
13 father of the child as defined in subsection X or Y of this
14 Section. For the purpose of this Act, a parent who has executed
15 a consent to adoption, a surrender, or a waiver pursuant to
16 Section 10 of this Act, who has signed a Denial of Paternity
17 pursuant to Section 12 of the Vital Records Act or Section 12a
18 of this Act, or whose parental rights have been terminated by a
19 court, is not a parent of the child who was the subject of the
20 consent, surrender, waiver, or denial unless (1) the consent
21 is void pursuant to subsection O of Section 10 of this Act; or
22 (2) the person executed a consent to adoption by a specified
23 person or persons pursuant to subsection A-1 of Section 10 of
24 this Act and a court of competent jurisdiction finds that the
25 consent is void; or (3) the order terminating the parental
26 rights of the person is vacated by a court of competent

1 jurisdiction.

2 F. A person is available for adoption when the person is:

3 (a) a child who has been surrendered for adoption to
4 an agency and to whose adoption the agency has thereafter
5 consented;

6 (b) a child to whose adoption a person authorized by
7 law, other than his parents, has consented, or to whose
8 adoption no consent is required pursuant to Section 8 of
9 this Act;

10 (c) a child who is in the custody of persons who intend
11 to adopt him through placement made by his parents;

12 (c-1) a child for whom a parent has signed a specific
13 consent pursuant to subsection O of Section 10;

14 (d) an adult who meets the conditions set forth in
15 Section 3 of this Act; or

16 (e) a child who has been relinquished as defined in
17 Section 10 of the Abandoned Newborn Infant Protection Act.

18 A person who would otherwise be available for adoption
19 shall not be deemed unavailable for adoption solely by reason
20 of his or her death.

21 G. The singular includes the plural and the plural
22 includes the singular and the "male" includes the "female", as
23 the context of this Act may require.

24 H. (Blank).

25 I. "Habitual residence" has the meaning ascribed to it in
26 the federal Intercountry Adoption Act of 2000 and regulations

1 promulgated thereunder.

2 J. "Immediate relatives" means the biological parents, the
3 parents of the biological parents and siblings of the
4 biological parents.

5 K. "Intercountry adoption" is a process by which a child
6 from a country other than the United States is adopted by
7 persons who are habitual residents of the United States, or
8 the child is a habitual resident of the United States who is
9 adopted by persons who are habitual residents of a country
10 other than the United States.

11 L. (Blank).

12 M. "Interstate Compact on the Placement of Children" is a
13 law enacted by all states and certain territories for the
14 purpose of establishing uniform procedures for handling the
15 interstate placement of children in foster homes, adoptive
16 homes, or other child care facilities.

17 N. (Blank).

18 O. "Preadoption requirements" means any conditions or
19 standards established by the laws or administrative rules of
20 this State that must be met by a prospective adoptive parent
21 prior to the placement of a child in an adoptive home.

22 P. "Abused child" means a child whose parent or immediate
23 family member, or any person responsible for the child's
24 welfare, or any individual residing in the same home as the
25 child, or a paramour of the child's parent:

26 (a) inflicts, causes to be inflicted, or allows to be

1 inflicted upon the child physical injury, by other than
2 accidental means, that causes death, disfigurement,
3 impairment of physical or emotional health, or loss or
4 impairment of any bodily function;

5 (b) creates a substantial risk of physical injury to
6 the child by other than accidental means which would be
7 likely to cause death, disfigurement, impairment of
8 physical or emotional health, or loss or impairment of any
9 bodily function;

10 (c) commits or allows to be committed any sex offense
11 against the child, as sex offenses are defined in the
12 Criminal Code of 2012 and extending those definitions of
13 sex offenses to include children under 18 years of age;

14 (d) commits or allows to be committed an act or acts of
15 torture upon the child; or

16 (e) inflicts excessive corporal punishment.

17 Q. "Neglected child" means any child whose parent or other
18 person responsible for the child's welfare withholds or denies
19 nourishment or medically indicated treatment including food or
20 care denied solely on the basis of the present or anticipated
21 mental or physical impairment as determined by a physician
22 acting alone or in consultation with other physicians or
23 otherwise does not provide the proper or necessary support,
24 education as required by law, or medical or other remedial
25 care recognized under State law as necessary for a child's
26 well-being, or other care necessary for his or her well-being,

1 including adequate food, clothing and shelter; or who is
2 abandoned by his or her parents or other person responsible
3 for the child's welfare.

4 A child shall not be considered neglected or abused for
5 the sole reason that the child's parent or other person
6 responsible for his or her welfare depends upon spiritual
7 means through prayer alone for the treatment or cure of
8 disease or remedial care as provided under Section 4 of the
9 Abused and Neglected Child Reporting Act. A child shall not be
10 considered neglected or abused for the sole reason that the
11 child's parent or other person responsible for the child's
12 welfare failed to vaccinate, delayed vaccination, or refused
13 vaccination for the child due to a waiver on religious or
14 medical grounds as permitted by law.

15 R. "Putative father" means a man who may be a child's
16 father, but who (1) is not married to the child's mother on or
17 before the date that the child was or is to be born and (2) has
18 not established paternity of the child in a court proceeding
19 before the filing of a petition for the adoption of the child.
20 The term includes a male who is less than 18 years of age.
21 "Putative father" does not mean a man who is the child's father
22 as a result of criminal sexual abuse or assault as defined
23 under Article 11 of the Criminal Code of 2012.

24 S. "Standby adoption" means an adoption in which a parent
25 consents to custody and termination of parental rights to
26 become effective upon the occurrence of a future event, which

1 is either the death of the parent or the request of the parent
2 for the entry of a final judgment of adoption.

3 T. (Blank).

4 T-5. "Biological parent", "birth parent", or "natural
5 parent" of a child are interchangeable terms that mean a
6 person who is biologically or genetically related to that
7 child as a parent.

8 U. "Interstate adoption" means the placement of a minor
9 child with a prospective adoptive parent for the purpose of
10 pursuing an adoption for that child that is subject to the
11 provisions of the Interstate Compact on the Placement of
12 Children.

13 V. (Blank).

14 W. (Blank).

15 X. "Legal father" of a child means a man who is recognized
16 as or presumed to be that child's father:

17 (1) because of his marriage to or civil union with the
18 child's parent at the time of the child's birth or within
19 300 days prior to that child's birth, unless he signed a
20 denial of paternity pursuant to Section 12 of the Vital
21 Records Act or a waiver pursuant to Section 10 of this Act;
22 or

23 (2) because his paternity of the child has been
24 established pursuant to the Illinois Parentage Act, the
25 Illinois Parentage Act of 1984, or the Gestational
26 Surrogacy Act; or

1 (3) because he is listed as the child's father or
2 parent on the child's birth certificate, unless he is
3 otherwise determined by an administrative or judicial
4 proceeding not to be the parent of the child or unless he
5 rescinds his acknowledgment of paternity pursuant to the
6 Illinois Parentage Act of 1984; or

7 (4) because his paternity or adoption of the child has
8 been established by a court of competent jurisdiction.

9 The definition in this subsection X shall not be construed
10 to provide greater or lesser rights as to the number of parents
11 who can be named on a final judgment order of adoption or
12 Illinois birth certificate that otherwise exist under Illinois
13 law.

14 Y. "Legal mother" of a child means a woman who is
15 recognized as or presumed to be that child's mother:

16 (1) because she gave birth to the child except as
17 provided in the Gestational Surrogacy Act; or

18 (2) because her maternity of the child has been
19 established pursuant to the Illinois Parentage Act of 1984
20 or the Gestational Surrogacy Act; or

21 (3) because her maternity or adoption of the child has
22 been established by a court of competent jurisdiction; or

23 (4) because of her marriage to or civil union with the
24 child's other parent at the time of the child's birth or
25 within 300 days prior to the time of birth; or

26 (5) because she is listed as the child's mother or

1 parent on the child's birth certificate unless she is
2 otherwise determined by an administrative or judicial
3 proceeding not to be the parent of the child.

4 The definition in this subsection Y shall not be construed
5 to provide greater or lesser rights as to the number of parents
6 who can be named on a final judgment order of adoption or
7 Illinois birth certificate that otherwise exist under Illinois
8 law.

9 Z. "Department" means the Illinois Department of Children
10 and Family Services.

11 AA. "Placement disruption" means a circumstance where the
12 child is removed from an adoptive placement before the
13 adoption is finalized.

14 BB. "Secondary placement" means a placement, including but
15 not limited to the placement of a youth in care as defined in
16 Section 4d of the Children and Family Services Act, that
17 occurs after a placement disruption or an adoption
18 dissolution. "Secondary placement" does not mean secondary
19 placements arising due to the death of the adoptive parent of
20 the child.

21 CC. "Adoption dissolution" means a circumstance where the
22 child is removed from an adoptive placement after the adoption
23 is finalized.

24 DD. "Unregulated placement" means the secondary placement
25 of a child that occurs without the oversight of the courts, the
26 Department, or a licensed child welfare agency.

1 EE. "Post-placement and post-adoption support services"
2 means support services for placed or adopted children and
3 families that include, but are not limited to, mental health
4 treatment, including counseling and other support services for
5 emotional, behavioral, or developmental needs, and treatment
6 for substance abuse.

7 FF. "Youth in care" has the meaning provided in Section 4d
8 of the Children and Family Services Act.

9 (Source: P.A. 101-155, eff. 1-1-20; 101-529, eff. 1-1-20;
10 102-139, eff. 1-1-22; 102-558, eff. 8-20-21.)